

# **Ysgol Y Bont Faen Cowbridge Comprehensive School**



## **Complaints Procedure**

**Formulated by: Mr A Fowles Deputy Headteacher  
Adopted by Main Governing Body: 23 May 2013**

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Review every 3 years or subject to changes in legislation  
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# COMPLAINTS PROCEDURE (SECTION 1)

## 1. Introduction

1.1 Cowbridge Comprehensive School is committed to dealing effectively with complaints. We aim to clarify any issues about which you are not sure. If possible, we will put right any mistakes we have made and we will apologise. We aim to learn from mistakes and use that experience to improve what we do.

1.2 Our definition of a complaint is 'an expression of dissatisfaction in relation to the School or a member of its staff that requires a response from the School.'

1.3 Our definition of a concern is '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'.

1.4 This complaints procedure supports our commitment and is a way of ensuring that anyone with an interest in the School can raise a concern, with confidence that it will be heard and, if well-founded, addressed in an appropriate and timely fashion.

1.5 This complaints procedure has been formulated with reference to Welsh Government Circular 11/2012 "Complaints procedures for school Governing bodies in Wales".

## 2. When to use this procedure

2.1 When you have a concern or make a complaint we will usually respond in the way we explain below. Sometimes you might be concerned about matters that are not decided by the School, in which case we will tell you who to complain to. At other times you may be concerned about matters that are handled by other procedures, in which case we will explain to you how your concern will be dealt with.

2.2 If your concern or complaint is about another body as well as the School we will work with them to decide how to handle your concern.

## 3. Our expectations

3.1 We believe that all complainants have a right to be heard, understood and respected. All school staff and governors have the same right. We expect you to be polite and courteous. We will not tolerate aggressive, abusive or unreasonable behaviour. We will also not tolerate unreasonable demands or unreasonable persistence or vexatious complaining.

This procedure works in conjunction with the School's Communication Policy.

## 4. Our procedures to answering your concern or complaint

4.1 We will consider all your concerns and complaints in an open and fair way.

4.2 At all times the School will respect the rights of those involved and make every effort to protect confidential information.

4.3 Timescales for dealing with your concerns or complaints may need to be extended depending on the circumstances and complexity of the complaint. We will keep you informed.

4.4 We may ask for advice from another body where relevant and appropriate.

4.5 Some types of concern or complaint may raise issues that have to be dealt with in another way (other than this Complaints Procedure), in which case we will explain why this is so, and will tell you what steps will be taken.

4.6 The School will keep records of documents used to investigate your concern or complaint for seven years after it has been dealt with. Records will be kept in school and reviewed by senior staff to decide if they need to be kept for longer.

4.7 Complaints that are made anonymously will be recorded but investigation will be at the discretion of the School depending on the nature of the complaint.

4.8 If you are a pupil under 16 and wish to raise a concern or bring a complaint we will ask for your permission before we involve your parent(s) or carer(s). If you are a pupil under 16 and are involved in a complaint in any other way, we may ask your parent(s) or carer(s) to become involved and attend any discussion or interview with you.

## **5. Procedures for addressing your concern or complaint**

5.1 As far as possible, your concern or complaint will be dealt with on a confidential basis. However, there could be occasions when the person dealing with your concern or complaint will need to consider whether anyone else within the School needs to know about your concern or complaint, to ensure it is addressed appropriately.

### **Stage 1**

5.2 If you have a concern, you can often resolve it quickly by contacting an appropriate member of staff at school, for example the designated Achievement Assistant for the Year group of your child. We will aim to respond within 5 working days in order to resolve and deescalate the issue.

5.3 Should the complaint be complex and not resolved as above, this may involve an investigation by an appropriate member of staff. You will be informed who is dealing with your complaint and the anticipated timescale for the investigation to take place.

Normally you will receive a written response to your complaint after the investigation within 10 working days.

5.4 If the member of staff investigating the complaint feels that your complaint warrants a face to face meeting, they will contact you to invite you to a meeting. This could be before or following the investigation and is at the discretion of the member of staff investigating the complaint. However, should you feel that you would like a meeting with the member of staff conducting the investigation, the School will aim to accommodate this within 5 working days of your request.

5.5 After you have received the written outcome of your complaint and should you remain dissatisfied with the outcome you should write to the School's Complaints officer (Mr Fowles, Deputy Headteacher) outlining which aspects of the complaint are unresolved and the reasons why you feel this is the case. (See Stage 2, 5.6).

You should raise your concern as soon as you can; normally we would expect you to raise your issue within 10 working days of any incident. The longer you leave it the harder it might be for those involved to deal with it effectively.

## **Stage 2**

5.6 After the School's Complaints Officer has received your written correspondence using Complaint Form A (appendix A) outlining why you remain dissatisfied they will consider the information, reinvestigate any remaining concerns and provide you with a written response within 10 working days. This may involve inviting you to discuss your complaint at a meeting.

## **Stage 3**

5.7 Should you still remain dissatisfied after following Stage 2 above, you will then be able to request a meeting with the Headteacher and / or write formally to the Headteacher. Once the Headteacher has received notification that you remain dissatisfied, the Headteacher will aim to meet you within 10 working days to resolve the issue and provide you with appropriate feedback.

## **Stage 4 (Final stage)**

5.8 It is rare that a complaint will progress any further. However, if you still feel that your complaint has not been dealt with fairly, you should write using Form B (appendix B) through the School's address, to the Chair of Governors, setting out your reasons for asking the Governing Body's Complaints Committee to consider your complaint. Please note all previous documentation in relation to your continued complaint will be made available to the Committee.

5.9 Should you be unable to write to the Chair of Governors, you can contact the School to request a meeting with the Chair of Governors after Stages 1, 2 and 3 have been completed.

The Chair of Governors will record your concerns, in your own words and what you feel would resolve the remaining issues. You will be asked to sign this record as an accurate account of the discussion. We would normally expect you to do this within five school days of receiving the School's response. The Complaints Committee will normally have a meeting with you within 15 working days of receiving your letter or the Chair of Governor's record of your complaint.

5.10 Everyone involved will see the evidence and documentation before the meeting of the Complaints Committee while ensuring that people's rights to privacy of information are protected.

5.11 Normally, the Complaints Committee will not reschedule the meeting more than once. If you ask to reschedule the meeting more than once, the Committee may think it reasonable to make a decision on the complaint in your absence to avoid unnecessary delays.

5.12 We will write to you within 10 working days of the meeting explaining the outcome of the Complaints Committee's consideration.

5.13 We will keep records of all complaints for a minimum of 7 years.

5.14 The Complaints Committee is the final arbiter of complaints.

## **6. Special circumstances**

6.1 Where a complaint is made about any of the following, the Complaints Procedure will be applied differently:

- i. **A governor or group of governors**  
The concern or complaint will be referred to the Chair of Governors for investigation. The Chair may alternatively delegate the matter to another governor for investigation.
- ii. **The Chair of Governors**  
The Vice Chair of Governors will be informed and will investigate it or may delegate it to another governor.
- iii. **Both the Chair of Governors and Vice Chair of Governors**  
The complaint will be referred to the clerk to the Governing body who will inform the Chair of the Complaints Committee.
- iv. **The whole Governing body**  
The complaint will be referred to the clerk to the Governing body who will inform the Headteacher, Chair of Governors and local authority. The Local Authority will usually agree arrangements with the Governing body for an independent investigation of the complaint.
- v. **The Headteacher**  
The concern or complaint will be referred to the Chair of Governors who will undertake the investigation or may delegate it to another governor.

6.2 In all cases the School and Governing body will ensure that complaints are dealt with in an unbiased, open and fair way.

## **7. Our commitment to you**

7.1 We will take your concerns and complaints seriously and, where we have made mistakes, will try to learn from them.

7.2 If you need help to make your concerns known we will try and assist you. If you are a young person and need extra assistance the Welsh Government has established a national advocacy and advice helpline for children and young people. Advice and support can also be accessed from the Children's Commissioner for Wales.

7.3 The Governing body has consulted with staff and pupils on this procedure and will consult further if any amendments are made in the future.

The Children's Commissioner for Wales can be contacted from Monday to Friday, 9am - 5pm by:  
Telephone: 01792 765600  
Freephone: 0808 801 1000 or  
Email: [advice@childcomwales.org.uk](mailto:advice@childcomwales.org.uk)

## **COMPLAINTS PROCEDURE (SECTION 2)**

### **Vexatious, Persistent and Unreasonable Complaints**

We believe that vexatious, persistent and unreasonable complaints should be addressed swiftly and proportionately, and we will take robust steps to protect staff and avoid spending disproportionate amounts of time on such complaints.

Our staff are well intentioned professionals dedicated to educating pupils. They need and deserve to be respected and supported in performing this vitally important role.

### **The School's expectations of parents/carers/members of the public**

The School expects parents/carers/members of the public who wish to raise concerns with the School to:

- treat all school staff with courtesy and respect;
- respect the needs and well-being of pupils and staff in the School;
- refrain from any use, or threatened use, of violence to people or property;
- refrain from any aggression, verbal abuse or other intimidating behaviour;
- ensure that written communications state the facts surrounding the concern without using threatening, emotive, pejorative or unpleasant language;
- recognise the time constraints under which members of staff in schools work and allow the School a reasonable time to respond;
- recognise that resolving a specific problem can sometimes take some time;
- (In the case of a complaint) follow the School's Complaints Procedure.

### **What is a vexatious complaint?**

We define a 'vexatious complaint' as one which is manifestly unjustified, inappropriate or makes improper use of the complaints procedure. We will consider a complaint to be vexatious where:

- all reasonable steps have already been taken to address matters;
- a clear statement has been provided of the School's position;
- the School is being repeatedly contacted with the same points being raised;
- the School has reasonable grounds for believing the intention is to cause inconvenience;
- communications are aggressive in tone or content and/or abusive, derogatory or threatening comments are made.

### **Who is a persistent complainant?**

For the purpose of this procedure, a persistent complainant is a parent/carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the School, and whose behaviour is unreasonable. Such behaviour may be characterised by:

- actions which are obsessive, persistent, harassing, repetitious;
- prolific correspondence or excessive e-mail or telephone contact about a concern or complaint and which makes unreasonable time demands outside of the scope of our Communication Policy;
- excessive or unreasonable use of Freedom of Information requests;

- the pursuance of unsubstantiated and subjective complaints and/or demanding outcomes considered unrealistic or unreasonable. This is at the discretion of the School to define in accordance with its daily operational business;
- pursuing complaints in an unreasonable manner;
- an insistence on only dealing with the Headteacher or other member of senior staff, on all occasions irrespective of the issue and the level of delegation in the School to deal with such matters;
- an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the School because it is unlawful.

### **What is an unreasonable complaint?**

For the purposes of this procedure we will regard a complaint to be unreasonable where the complainant

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of the complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks;
- changes the basis of the complaint as the investigation proceeds;
- seeks an unrealistic outcome;

### **What is harassment?**

For the purpose of this procedure, harassment is the unreasonable pursuit of a complaint or complaints, in a way that:

- appears to be targeted over a significant period of time on one or more members of school staff and/or;
- causes on-going distress to individual member(s) of school staff and/or;
- has a significant adverse effect on the whole/parts of the School community and/or;
- are pursued in a manner which can be perceived as intimidating by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health of our staff.

### **The School's actions in cases of vexatious, persistent or unreasonable complaints or harassment**

In the first instance the School will communicate either in writing or verbally (confirmed with a letter) to inform the complainant that his/her behaviour is considered to be becoming unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this procedure.

If the behaviour is not modified, the School will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the school community:

- Inform the complainant in writing that his/her behaviour is now considered by the School to be unreasonable/unacceptable and, therefore, to fall under the terms of this procedure;
- Inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties;
- Inform the complainant that, except in emergencies, all routine communication with the complainant to the School should be by letter only;
- In the case of physical, or verbal aggression or other forms of intimidating behaviour, take appropriate advice and consider warning the complainant about being banned from the School site; or proceed straight to a temporary ban and/or seek the intervention of the Police;
- Consider taking appropriate advice on pursuing a case under Anti-Harassment legislation;
- Consider taking advice from the HR/Legal Services about putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the Headteacher and other staff but only with a third person, to be identified by the governing body of the School, who will investigate, determine whether or not the concern / complaint is reasonable or vexatious and then advise the Headteacher accordingly.

In the event of extreme situations or events, the School may take the decision to implement one of the above steps immediately. In this situation the complainant will be informed in writing. Senior leaders will keep the Chair of governors informed at all times, should this be the decision and action of the Headteacher/Deputy Headteacher.

Legitimate new complaints will still be considered, even if the person making them is, or has been, subject to the Section for Dealing with Vexatious, Persistent or Unreasonable Complaints and/or Harassment.

If persistent complaining/harassing behaviour is modified, but is resumed at a later date, the school may resume the process identified above, at an appropriate level. In these circumstances, advice may be sought from the HR/Legal Services and /or police.



